IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

Bail Appl..No. 5710 of 2007()

CC.1177/2005 of J.M.F.C.-I MUVATUPUZHA
CRIME NOS.20, 394 AND 544/06 OF THE KOTHAMANGALAM POLICE STATION.

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SUO MOTU PROCEEDINGS
INITIATED UPON A COMPLAINT -
PETITION RECEIVED FROM
MR.BIJU,
C.NO.6130, CENTRAL JAIL
VIYYUR, THRISSUR

BY ADV. SRI.A.A.ZIYAD RAHMAN

RESPONDENT:

STATE .

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 5710 OF 2007

Dated this the 9th day of October, 2007

ORDER

Application for regular bail. The petitioner is the accused in three cases now i.e., C.C.Nos.139/07 and 141/07 before the Judicial Magistrate of the First Class, Muvattupuzha. He is the accused in C.C.No.429/05. That case has now been ordered to be transferred from the file of the Judicial Magistrate of the First Class, Kothamangalam, to the Court of the Judicial Magistrate of the First Class, Muvattupuzha. These three cases are now pending before the Judicial Magistrate of the First Class, Muvattupuzha. The petitioner faces allegations for offences punishable, inter alia, under Secs.379 and 380 of the IPC.

2. Reports of the learned Magistrates and the learned C.J.M. were called for. The reports indicate that the trial in

C.C. Nos.139 and 141/07 have already started and the learned Magistrate has undertaken to dispose of the cases within a period of one month. So far as C.C.No.429/05 pending before the Judicial Magistrate of the First Class, Kothamangalam, is concerned, the learned C.J.M. informs that the case has been transferred subsequently to the Judicial Magistrate of the First Class, Muvattupuzha. In that case further investigation is being undertaken.

3. Application for regular bail is opposed by the learned Public Prosecutor. The learned Public Prosecutor points out that earlier this Court had considered the applications for regular bail filed by the petitioner and directions were issued for expeditious disposal of the cases pending against the petitioner. The petitioner is now undergoing sentence in another similar crime, it is further pointed out. The learned Public Prosecutor, in these circumstances, vehemently opposes the application. This petition has been preferred through prison authorities by the petitioner who is undergoing detention. Advocate Sri.Ziyad Rahman was appointed as counsel to render legal aid to the petitioner. The learned counsel has been heard.

4. I am satisfied, in the facts and circumstances of this case, that the petitioner is not entitled to be enlarged on bail at

this stage. I take note of the undertaking by the learned Magistrate that two of the three cases pending shall be disposed of within a period of one month.

5. This petition is, in these circumstances, dismissed with a direction that the learned Magistrate must abide by the undertaking to dispose of the said two cases within a period of one month. Every endeavour must be made by the learned Magistrate to dispose of the third case also as expeditiously as possible – at any rate, within a period of two months from this date. If the trial of the third case i.e., C.C.No.429/05 is not completed and disposed of within a period of two months from this day, the petitioner shall be at liberty to approach this Court again for regular bail.

6. Communicate a copy of this order to the prisoner who is now in custody.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge